



WESTPORT

TOWN OF WESTPORT
REPRESENTATIVE TOWN MEETING
REPRESENTATIVE TOWN MEETING PACKET
MAY 1, 2023
07:30 PM



REPRESENTATIVE TOWN MEETING AGENDA

MAY 1, 2023
07:30 PM

Agenda

Call

All Representative Town Meeting members and inhabitants of the Town of Westport are hereby notified that a meeting of the Representative Town Meeting members will be held at Town Hall, 110 Myrtle Ave. in the auditorium on Monday, May 1, Tuesday May 2; and, if necessary, Wednesday May 3, 2023 at 7:30 p.m. for the purposes listed below. If necessary, the meeting shall reconvene on Tuesday, May 16, 2023 to deal with any agenda items not disposed of at the adjournment of the May 1, 2, or 3, 2023 meeting(s).

Attachment: [Resolutions.pdf](#)

Item #1

To take such action as the meeting may determine, upon the estimate and recommendation of the Board of Finance, to adopt a budget for the Town of Westport for the fiscal year ending June 30, 2024, and to make such specific appropriations as appear advisable.

Attachment: [RTM Health Human Services Committee Report Item 1.pdf](#)

Attachment: [RTM Public Protection Committee Report Item 1.pdf](#)

Attachment: [RTM Transit Committee Report Item 1.pdf](#)

Attachment: [Westport Transit District Backup Material Item 1.pdf](#)

Item #2

To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to adopt a budget for the Town Railroad Parking Fund for the fiscal year ending June 30, 2024, and to make such specific appropriations as appear advisable.

Item #3

To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to adopt a budget for the Town Sewer Fund for the fiscal year ending June 30, 2024, and to make such specific appropriations as appear advisable.

Item #4

To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to adopt a budget for the Wakeman Town Farm Fund for the fiscal year ending June 30, 2024, and to make such specific appropriations as appear advisable.

Item #5

To take such action as the meeting may determine, to require that property taxes for the fiscal year ending June 30, 2024, shall be due and payable in four quarterly installments, and to designate the dates of the first days of July, October, January, and April as the dates upon which such installments shall be due and payable, and that all taxes in an amount of \$100 or less shall be due and payable in a single installment on the first day of July.

Item #6

To take such action as the meeting may determine to require that the motor vehicle tax shall be due and payable in a single installment.

Item #7

To take such action as the meeting may determine, upon the request of the First Selectwoman, the Fire Chief, and the Fire Marshal, to adopt an amendment to Chapter 34 -- Fire Prevention and Protection, of the Town Code of Ordinances, adding Article III -- Fire Marshal Fee Schedule. (First reading. Full text available in the Town Clerk's office.)

Item #8

To take such action as the meeting may determine, upon the request of the First Selectwoman, the Fire Chief, and the Fire Marshal, to adopt an amendment to Appendix C of the Town Code of Ordinances, adopting a fee for Fire Marshal review of construction documents in the amount of \$5 per \$1000 of estimated costs, for commercial buildings and residential buildings of three or more dwelling units. (First reading. Full text available in the Town Clerk's office.)

Attachment: [Fire Marshal Fee Schedule Ordinance Draft-Items 7 8.pdf](#)

Item #9

To take such action as the meeting may determine, upon the request of the First Selectwoman, to adopt a Fair Rent Commission Ordinance. (First reading. Full text available in the Town Clerk's office.)

Attachment: [Fair Rent Commission Ordinance Request Item _9.pdf](#)

Attachment: [Fair Rent Commission Ordinance Draft Item _9.pdf](#)

Item #10

To take such action as the meeting may determine, In accordance with the Policy for Gifts to the Town, 2. C. - Monetary Donations. More than \$20,000, at the request of the Director of Public Works, and upon the recommendation of the Board of Selectwomen, to recommend approval of a donation in the amount of \$50,000 for construction of a bus shelter at 199 Post Road West.

Attachment: [Gifts to Town RTM Donation Approval Request Item _10.pdf](#)

**RTM Meeting
May 1, 2 & 3, 2023**

R E S O L U T I O N S

MONDAY

(1)

RESOLVED: That the First Selectwoman's Budget items recommended by the Board of Finance and approved or amended by the Representative Town Meeting be adopted, and the sum of \$_____ for the First Selectwoman's Budget is hereby appropriated to meet expenditures and such sum shall be added to the amount appropriated for the Other Agencies and Organizations Budget and the Board of Education Budget.

(1)

RESOLVED: That the Other Agencies and Organizations Budget items recommended by the Board of Finance and approved or amended by the Representative Town Meeting be adopted, and the sum of \$_____ for the Other Agencies and Organizations Budget is hereby appropriated to meet expenditures and such sum shall be added to the amount appropriated for the First Selectwoman's Budget and the Board of Education Budgets.

(2)

RESOLVED: That the Town Railroad Parking Fund Budget for the fiscal year ending June 30, 2024, as recommended by the Board of Finance and approved or amended by the Representative Town Meeting, be adopted and the sum of \$_____ is hereby appropriated to meet expenditures.

(3)

RESOLVED: That the Town Sewer Fund Budget for the fiscal year ending June 30, 2024, as recommended by the Board of Finance and approved or amended by the Representative Town Meeting, be adopted and the sum of \$_____ is hereby appropriated to meet expenditures.

(4)

RESOLVED: That the Wakeman Town Farm Fund Budget for the fiscal year ending June 30, 2024, as recommended by the Board of Finance and approved or amended by the Representative Town Meeting, be adopted and the sum of \$_____ is hereby appropriated to meet expenditures.

(5)

RESOLVED: That property taxes for the fiscal year ending June 30, 2024 shall be due and payable in four quarterly installments and the dates upon which such quarterly installments are to be due and payable shall be the first days of July, October, January and April, subject to any applicable tax relief deferral programs; and be it

FURTHER RESOLVED: That all taxes in an amount of \$100.00 or less shall be due and payable in a single installment on the first day of July, subject to any applicable tax relief deferral programs.

(6)

RESOLVED: That the motor vehicle tax shall be due and payable in a single installment, subject to any applicable tax relief deferral programs.

(7)

RESOLVED: That upon the recommendation of the First Selectwoman, the Fire Chief, and the Fire Marshal, an amendment to Chapter 34 – Fire Prevention and Protection, of the Town Code of Ordinances, adding Article III – Fire Marshal Fee Schedule is hereby approved. (First reading. Full text is as follows.)

TOWN OF WESTPORT CODE OF ORDINANCES

CHAPTER 34 – FIRE PREVENTION AND PROTECTION

NEW:

Article III – FIRE MARSHAL FEE SCHEDULE

Sec. 34-31 - Fee schedule for Fire Marshal duties. Pursuant to Connecticut State Regulation 29-291a-7a(g) and other applicable law, the Fire Marshal, with approval of the Representative Town Meeting, shall adopt a fee schedule for certain prescribed duties in accordance with the Connecticut State Fire Prevention Code and the Connecticut State Fire Safety Code, and other applicable law, including without limit fees for construction document reviews, permits, certificates, notices, approvals, or orders.

Sec. 34-32 - Posting of fee schedule. The Fire Marshal shall post the fee schedule in the Office of the Fire Marshal, in public view, and on the Town's website. The fees shall also be set forth in Appendix C of the Town Code of Ordinances.

Sec. 34-33 - Exemption from fee liability. All municipal projects of the Town of Westport are and shall be exempted from liability for permit fees and may be issued permits and certificates of occupancy without charge therefor.

(8)

RESOLVED: That upon the recommendation of the First Selectwoman, the Fire Chief, and the Fire Marshal, an amendment to Appendix C of the Town Code of Ordinances, adopting a fee for Fire Marshal review of construction documents in the amount of \$5 per \$1000 of estimated costs, for commercial buildings and residential buildings of three or more dwelling units is hereby approved. (First reading. Full text is as follows.)

NEW:

TOWN OF WESTPORT CODE OF ORDINANCES

APPENDIX C:

<i>Chapter 34. Fire Prevention and Protection</i>		
<u>34-31</u>	<u>Fire Marshal Fees:</u>	
	<u>Construction Document Reviews</u>	<u>The fee for the Fire Marshal's review of construction documents shall be based on the estimated cost of the project at the rate of Five Dollars (\$5.00) per One Thousand Dollars (\$1,000.00) or part thereof, said fees being assessed only for commercial buildings and for residential dwellings that include three (3) or more dwelling units.</u>

(9)

RESOLVED: That upon the request of the First Selectwoman, a Fair Rent Commission Ordinance is hereby adopted. (First reading. Full text is as follows.)

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town. The members and alternates shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission's powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. 21-80a and C.G.S. §

47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- b. Make such studies and investigations regarding rental housing within the Town as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

(1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- l. The amount and frequency of increases in rental charges; and
- m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

- (1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the Commission proceeding.
- (2) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
- (3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
- (4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
- (6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
- (8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. Until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

(f) *Retaliation*

(1) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:

- a. Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
- b. Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been

entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the Commission;

- c. Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).

(2) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.

(3) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of this chapter or C.G.S. § 47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*

Section 1.

(1) Any amendments to the state law referring to fair rent commissions shall be

automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

(10)

RESOLVED: That upon the recommendation of the Board of Selectwomen and a request by the Director of Public Works, in accordance with the Policy for Gifts to the Town, 2. C.-Monetary Donations. More than \$20,000, a donation in the amount of \$50,000 for construction of a bus shelter at 199 Post Road West is hereby approved.

(1)

TUESDAY

RESOLVED: That the Board of Education's budget items as recommended by the Board of Finance and approved or amended by the Representative Town Meeting be adopted and the sum of \$_____ for the Board of Education Budget is hereby appropriated to meet expenditures; and be it,

FURTHER RESOLVED: That the Town of Westport General Fund Budget for the fiscal year ending June 30, 2024, as recommended by the Board of Finance and approved or amended by the Representative Town Meeting, be adopted and the sum of the Board of Education Budget, the First Selectwoman's Budget, and the Other Agencies and Organizations Budget in the amount of \$_____ is hereby appropriated to meet expenditures and that for the purpose of raising a tax on the Grand List of 2022, the sum of \$_____ is hereby appropriated.

Westport RTM *Health & Human Services Committee* | April 11th, 2023 | Budget Meeting Minutes

Summary

Called to order: 7:34 PM
Adjourned: 8:50 PM

Agenda:
Budget Materials:
Audio Recording:

Member Attendance: **Jessica Bram**, *Chairperson*
Jack Klinge
Sal Liccione
Chris Tait
Wendy Batteau
Harris Falk
Julie Whamond

Guest Attendance: **Elaine Daignault**, *Human Services Director*
Mark Cooper, *Aspetuck Health District Director*

Agenda Item One: *Review and discussion of the 2023/2024 Westport Human Services budget.*

Approved 4.1% / \$61,422 increase
Motioned: Sal Liccione, 8:15 PM
Seconded: Jack Klinge
Unanimously Approved

Agenda Item Two: *Review and discussion of the 2023/2024 Aspetuck Health District budget.*

Approved -2.5% \$571,700
Motioned: Sal Liccione 8:40 PM
Seconded: Jack Klinge
Unanimously Approved

Adjournment: **Jessica Bram**, *Chairperson*

Respectfully submitted by Julie Whamond, 04/12/23, Health & Human Services Committee | 1/4

Westport RTM *Health & Human Services Committee* | April 11th, 2023 | Budget Meeting Minutes

Report

Agenda Item One: Human Services; +4.1%

Presenting: Elaine Daignault, Director

Presentation Begins: 7:35 PM

Elaine began the presentation by describing a 4.1% increase over last year, amounting to \$61,422. These monies are split into three major cost centers within the Department:

- **Social Services**
- **Youth Services**
- **Center for Senior Activities**

Elaine continued to describe the overall goals and objectives of the Department, which includes assisting both at-risk and general status residents with access to local, state, and federal resources - such as youth and senior programming, health, wellness, and addiction or abuse resources, financial resources, emergency resources, and housing.

A brief overview of each cost center was provided with their own individual increase:

Social Services: 5.4% increase

Located in Town Hall, Room 200. This is the main office for Human Services and is where they facilitate contact with households, field questions, and help residents access the appropriate resources. A part time social worker became full time this year. There is an opening for another full time social worker. Increase is for salary. Difficult to find another social worker. Market is very competitive.

Youth Services: 5.9% increase

Youth services facilitates programs and services for Westport Public School students and other young residents. These include counseling, addiction services, as well as social-emotional engagement activities.

A portion of their increase for the cost center comes from the rent of Toquet Hall, which is increased ~2.5% annually. The other portion of the increase comes from their staffing. They were able to expand their student outreach services through a contracted service for counseling and intervention while adding a licensed Drug & Alcohol Counselor from the Liberations Program for 2 days/week at Staples High School.

Senior Services: 2.1% increase

Respectfully submitted by Julie Whamond, 04/12/23, Health & Human Services Committee | 2/4

Westport RTM Health & Human Services Committee | April 11th, 2023 | Budget Meeting Minutes

Senior Services facilitates programs and resources for elderly and at-risk aging residents through the Center for Senior Activities, through home visits, or through Zoom activities. Increase is for maintenance to the center for aging equipment in the kitchen and the gym and an increases in salary with a cushion in the budget for staff shortages that are covered by part-time employees.

Discussion

Members asked Elaine what her priorities are with her increases. She stated that she needs to maintain and pay her staff. The number of cases in town have increased. Chris suggested to increase the pay of the social worker needed for the department and to work with the First Selectwoman. This plan worked with the DPW a few years ago.

Wendy feels it is not acceptable that the DHS has to fund raise and write grants to fund their budget. Elaine writes all the grants. Jack mentioned that having someone from the Senior Center who is well versed in grant writing could assist. Chris suggested that the town hires a grant writer to handle and assist all grant writing for all departments who need them. Grant writers are paid by a percentage of the grant awarded in some cases and perhaps that would help all who spend a lot of time filling out grant forms for funds.

Jack mentioned how much the bond between Staples students and the Senior Center is important and would like to see more activities between the generations.

Elaine shared that the Westport Together program is running well. It is a positive youth development program that has all youth services under one roof. Everything is online in one place. It is similar to a mini Celebrate Westport. Many events happen under this umbrella such as narcan training, suicide prevention, parent discussions, Kool to be Kind and the Westport Youth Commission made up of 15 adults and 15 youth.

Wendy felt that it should be noted that the staff at the WDHS work incredibly hard.

8:15 - Sal motioned to approve budget; Seconded by Jack Klinge. Unanimously approved.

Agenda Item Two: Aspetuck Health District; -2.5%

Presenting: Mark Cooper, Director of the Aspetuck Health District

Presentation Begins: 8:15 PM

Mark stated that the increase in AHD budget is for electrical and heating bills and staffing.

Respectfully submitted by Julie Whamond, 04/12/23, Health & Human Services Committee | 3/4

Westport RTM Health & Human Services Committee | April 11th, 2023 | Budget Meeting Minutes

Covid is winding down but there is an uptick in pneumonia cases to be blamed on less mask wearing. The staff is kept very busy. The side effect of covid is staffing issues. The office has been down one employee for over a year.

CT has a new FDA food code and has not provided information for inspectors on the perimeters of new rules. Part timers are hired but there are many changes with the new system. The biggest difference is for local food enforcement with a push for electronic forms entered into a database with public access to information, especially restaurant grades.

The health department is looking at electronic data systems to help with inspection reports. We are governed by the state so must follow new FDA food code or lose our funding.

According to the state, Westport's population has decreased.

The AHD needs one more environmental inspector. The travel clinic is being used more which is good news as it is a revenue source. The office has plenty of nurses.

Discussion

Jack asked Mark how the three towns who use Aspectuck share the expenses. Mark answered: 24% Weston, 60% Westport and 14% Easton. Usage is calculated by permits issued and as Westport has more salons, restaurants, spas etc. the number of permits is bigger.

Mark shared that the AHD has just contracted with a consulting group, [Harvard Business School Club of CT Community Partners](#) to work on a community needs assessment. This is to be paid for by a state grant. The AHD is working on a 5 year plan on what the community wants and needs from their health department.

The condition of the building was discussed by many committee members. Painting is needed. Sal mentioned new doors and windows should be installed to save on energy costs. Wendy suggested having Sustainable Westport tour the building to help with cost saving ideas. Mark mentioned that the building department had also visited. Mark mentioned one of the best improvements would be repairing the handicapped access space in the parking lot. It is muddy in the rain and the grading is in poor condition.

The RTM suggests that ARPA money be allotted to the Health District for building improvements. The building is a town owned asset. We commend the job being done by our health department under the current building conditions.

8:40: Sal motioned to approve the budget. Seconded by Jack. Unanimously approved.

Respectfully submitted by Julie Whamond, 04/12/23, Health & Human Services Committee | 4/4

April 20, 2023

On Tuesday April 18, 2023, The RTM Public Protection Committee meet with the Westport Police and Fire Department to discuss, and vote to recommend to the full RTM on the Board of Finance approved budgets for the fiscal year 2023 to 2024.

The Police budget was broken down into 3 parts – Police, Emergency Medical Services (EMS) and Animal control. The total budget of all 3 divisions of Police management came to \$11,400,335.00. The breakdown is as follows Police \$9,873,004.00. EMS \$1,375,000.00 and Animal Control \$173,842.00. The total increase 1.3% for Police

The Fire budget was also broken down into 3 parts as well. Fire, Water, and Emergency Services. The total cost came to \$12,330,904.00. The breakdown as follows Fire \$9,983,440.00 Water \$1,375,000.00 Emergency Services \$972,460.00 The total increase .3% for Fire.

The committee spent an hour reviewing and asking questions concerning manpower, schools, population increase and general safety of both the public and our Police and Fire personnel.

Lou Mall made both motions to approve each budget. Sal Liccione seconded both motions.

Both budgets passed unanimously 8-0

In Attendance – Public Protection Jimmy Izzo, Louis Mall, Claudia Schaum, Andrew Collabella, Salvatore Liccione, Candace Banks, Richard Lowenstein, Karen Kramer. Police Chief Foti Koskinas, Deputy Chiefs David Farrell and Ryan Paulson. Fire Chief Michael Kronick, Deputy Chief Nicholous Marsan, Assistant Chief Jeffrey Gootman, Firefighter Matthew Willie, RTM member Lauren Clark.

My humble apologies if I missed anyone!

Respectfully Submitted,

Jimmy Izzo Chair – RTM Public Protection Committee

Westport RTM Transit Committee Meeting Report, April 17, 2023

Meeting in person, Town Hall room 309

Agenda:

1. Railroad Parking budget
 - Vote was unanimous in favor
2. Westport Transit District budget
 - Vote was unanimous in favor, Peter Gold recused himself

In Attendance:**RTM Transit Committee Members**

- Kristin Schneeman, Brien Buckman, Ross Burkhardt, Peter Gold, Nancy Kail, Sal Liccione, Dick Lowenstein, Liz Milwe, Claudia Shaum (by phone)

Presenters

- Foti Koskinas, Chief; Dave Farrell, Deputy Chief; and Ryan Paulsson, Deputy Chief, Westport Police Department
- Peter Gold, Director, Westport Transit District

Others

- RTM members Don O'Day, Harris Falk
- Matt Pentz, Norwalk Transit District CEO; Marty Fox, former WTD Director; Jennifer Johnson, former WTD Director; Thane Grauel, Westport Journal reporter; other members of the public

Agenda Item 1 – Railroad Parking

Police Chief Foti Koskinas and Deputy Chief Dave Farrell presented the 2023-2024 Railroad Parking budget request of \$1,855,199, a 5.475% increase from the previous year. Major drivers for the increase are salaries and benefits and the possible purchase of an electric truck. Significant improvement projects coming up include replacement of elevators. Koskinas noted that since the WPD has taken over management of railroad parking the number of spaces has increased 22%.

Questions and discussion revolved around:

- **Numbers and pricing of permits.** Koskinas noted that the WPD would likely be seeing an increase in the price of annual and daily parking for the first time in many years; annual permits are currently \$325, while other towns in Fairfield County charge as much as \$1000. (Koskinas was not able to announce the new rates at the meeting; in subsequent days it was revealed the proposed new rate for an annual permit for a single space would be \$400, with daily rates proposed to go up from \$5 to \$6.) There is still no longer a waitlist for permits, but Koskinas said on some days of the week (mostly Tuesday through Thursday) lots are as much as 80% full. He also said he expects there to again be a waitlist for permits sometime within the next 18 months. Peter Gold asked for the WPD's help getting data from the state on current MTA ridership numbers, to give us some sense of transit trends as the pandemic appears to be easing.
- **The railroad reserve fund.** As in the past, members of both the committee and the public noted that by state law railroad parking reserve funds may be used for other projects, and advocated that Westport consider devoting some of them to other transit-related efforts (which it has, in fact, done in the past). Koskinas appealed to members to take into consideration the needs and interests of train commuters in all future discussions about transit.
- **Other projects.** By July 1 the EV charging stations at the RR Parking lots will charge a fee. WPD is working with the state to expand deployment of solar at the stations. A new venture (a partnership with the Town and schools focused on employment for those with disabilities) should be announced soon to go into the retail space at the Greens Farms station.
- **The future.** There was some discussion, which continued into the WTD portion of the agenda, about the future of transit in Westport and the role of Railroad Parking in that context. There was also some discussion about the proposed Hamlet project and its impact on traffic and parking in Saugatuck.

Sal Liccione made a motion to approve the Railroad Parking Fund budget of \$1,855,199; Liz Milwe seconded, and the vote to approve was unanimous.

Agenda Item 2 – Westport Transit District

As has been the case in previous years, the Committee was asked to consider restoring funds for the Westport Transit District's commuter shuttle service cut by the Board of Finance. This year the Board of finance cut \$291,231, representing the entire budget for the Wheels2U (W2U) shuttle service. Last year the Board of Finance cut the W2U budget by 50%.

Peter Gold, who is both the volunteer Westport Transit Director and a member of the RTM and its Transit Committee, presented the full WTD budget of \$405,388; this includes \$114,157 for the door-to-door transportation service for seniors and the disabled – which is non-controversial – as well as the amount for W2U, the reimagined shuttle service which picks up residents at their homes and takes them to the train stations. The budget is a bit more than 18% over the FY22-23 budget – a 48% increase for the seniors and disabled services and 9.4% for W2U. Reasons for the increase include growing ridership as well as increases in personnel and fuel costs. Westport's funding leverages \$664,100 in additional funds from the state for the WTD.

Key elements from Gold's presentation included:

- Three basic services provided via contract with Norwalk Transit District (NTD)
 - Wheels2U, an on demand, mobile app supported commuter shuttle service
 - Door to Door "in town" services for seniors and those with disabilities
 - Door to Door "town to town" (between Fairfield County towns) services for seniors and those with disabilities
- Ridership data
 - Wheels2U is on track to significantly exceed its current FY target of 21,000 rides, with the current projection being 26,000; ridership in FY22 was a little over 18,000. Despite changing commuting patterns, ridership on the shuttles continues to grow steadily and is expected to continue to grow as commuters return to the office more days per week
 - 1140 unique riders through March 31 of this FY
- Rationale, benefits, support for Wheels2U
 - Increasingly flexible, efficient, easy to use and affordable. Meets all trains in rush hours, has later service than old fixed routes
 - More environmentally friendly than old fixed route system - will use over 27,300 fewer gallons of fuel (45% less) and drive 88,000 fewer miles (56% decrease) in FY23 than in FY19
 - Provides services to all residents in town (now including Saugatuck Shores) and those commuting into town to work
 - Widespread enthusiasm among residents for the service, with more than 280 emails sent in support to date
 - Leverages state subsidies (~ 66% of budget) while maintaining local control of service

Several members suggested changes to W2U including a fare increase, alternative revenue sources, and more marketing; Brien Buckman shared in advance of the meeting an analysis of a sample of supportive emails received from residents and their willingness to pay higher fares. Gold expressed willingness to consider all suggestions and noted he is working on a state grant that could enable expanded service. Matt Pentz from Norwalk Transit District noted they are about to launch a "comprehensive operational analysis" that will include public input to help inform an assessment of Westport's transit needs.

Since last year's budget approval, the political landscape for transit in our area has changed. The state legislature has passed a bill that, unless significantly amended, will likely mean Westport's Transit District will need to merge with another larger district (likely Norwalk or Bridgeport) by FY25 or have its state funding frozen. Many members of the Committee expressed frustration with the Administration's continued lack of ownership over a comprehensive transit/transportation/traffic agenda for Westport, and that they did not believe the RTM and the volunteer leadership of WTD should have to drive the District's planning and operations.

Jennifer Johnson advocated that the RTM simply abolish the WTD to force the Administration to step in and provide services. Sal Liccione made a motion to cut all funding for the W2U service, which was not seconded. Members advocated, and Committee chair Kristin Schneeman agreed, to convene another Committee meeting after the budget meetings to discuss ways the Committee might influence the Administration to take ownership and lead on these issues.

Dick Lowenstein made a motion to restore \$291,231 to the WTD's budget and approve the full WTD budget of \$405,388; Nancy Kail seconded. Peter Gold recused himself, and the vote was 7-0 in favor.

Submitted by Kristin Schneeman, RTM Transit Committee Chair
April 24, 2023



RTM Budget Meeting May 1, 2023



The Issue

- Recommend approval of the Westport Transit District (WTD) budget for FY 24, including restoration of the \$291,231 for the Westport Transit District's Wheels2U shuttle cut by the Board of Finance.
- Absent restoration by Westport's Representative Town Meeting (RTM), the Wheels2U on-demand, group ride, door-to-door shuttle service to and from Westport's two train stations will end on June 30, 2023.
- The RTM will be asked to restore the full funding for Wheels2U at the RTM's May 1 meeting.
- Door-to-door services for the elderly and persons with a disability will not be affected by the Board of Finance cut.

Westport Transit District Services

- Commuter shuttles to and from Saugatuck and Greens Farms train stations.
- Door-to-Door transportation for seniors and residents with disabilities “within Westport.” (Elderly and Disabilities Within Town)
- Door-to-Door transportation for residents with disabilities between Westport and Fairfield Cty communities to our west (“Town-to-Town”).
- Services are provided under subcontract arrangement with Norwalk Transit District which assists the WTD in a number of ways.
 - NTD operates buses and provides support services.
 - WTD determines scope of operations after considering input of elected officials and the public, oversees arrangements with NTD, and manages activities such as marketing and budgeting.
- WTD services do NOT include the Coastal Link service operated by Norwalk Transit, Greater Bridgeport Transit and Milford Transit or ADA required services within $\frac{3}{4}$ mile corridor on either side of the Post Road.

Proposed FY 24 Westport Assistance to the WTD

	<u>FY 23 RTM Approved Budget</u>	<u>FY 24 Proposed Budget</u>	<u>Change \$</u>	<u>Change %</u>
Wheels2U	\$266,100	\$291,231	\$25,131	9.4%
Total Elderly and People With Disabilities	\$77,100	\$114,157	\$37,057	48.1%
Total	\$343,200	\$405,388	\$62,188	18.1%

Increases due to:

- Increase in ridership for all services
- Cost inflation

What is Wheels2U?

Wheels2U Westport Microtransit Operating Model

Wheels2UWestport.com

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Wheels2U Westport

Wheels2U Westport is an on-demand, door-to-door, group ride service tailored to Westport's needs.

- Hours of operation:
Peak commuting periods into and out of Westport:
 - Morning pickups: between 5:45 AM and 10:00 AM
 - Evening pickups: between 4:00 PM and 9:30 PM
- Area of operation: Between locations anywhere in Westport and the Greens Farms and Westport train stations.
- Scheduling a ride:
Use the Wheels2U App. Average ETA until bus arrives is less than 10 minutes.
- Fares:
\$2.00 paid with App.
- User Satisfaction: Average of 4.8 out of 5.

For more information go to www.Wheels2UWestport.com



How it Works

1. Download the Wheels2U App



2. Request A Pickup

3. Get Going



Requesting a Pickup

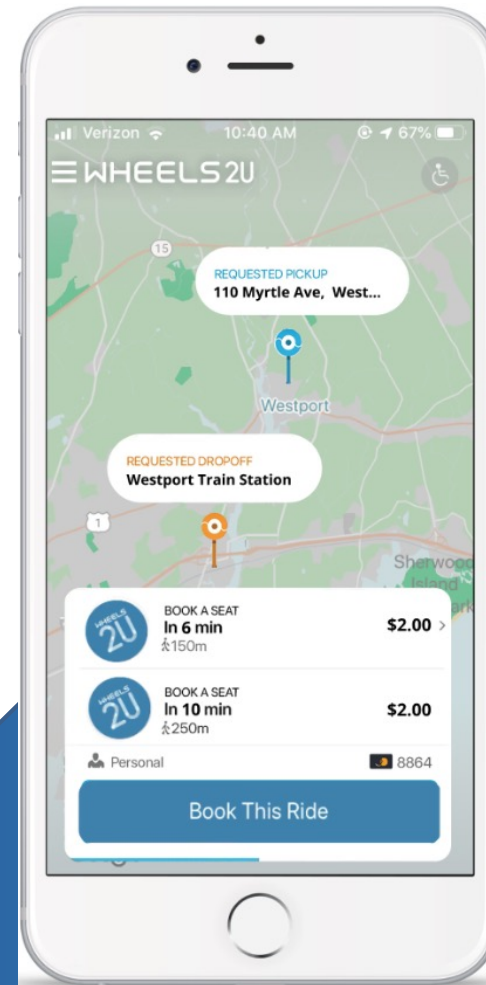
Follow these simple steps:

- **Open the app and allow location services**
- **Enter your pick-up & drop-off locations***
 - Just choose a location from your **“Favorites”** list, which will be established as you use the App!
- **Choose a pick-up time**
- **Select pay option: App or Uniticket**

You can monitor expected pick up and arrival times!

* **Pick-up or drop-off must be at a train station. App will ask if there is more than one passenger or a wheelchair is required. (All vehicles are wheelchair accessible.)**

** **Vehicle will wait no more than 2 minutes for passengers to board.**



Restore Wheels2U Funding

Ridership Growth

- Ridership continues to grow

Fiscal Year	Rides
Fiscal 22 Actual	18,144
Fiscal 23 Budget	21,000
Fiscal 23 Projected as of 3/31/23	26,000+

- For FY 23 through March 31, 2023 (nine months)
 - Wheels2U provided over 20,500 rides
 - Over 1,140 individuals took at least one ride on Wheels2U
 - Rides increased by 66.35% over same period in FY 22
- FY 23 rides through February are 77.6% of rides through February in FY 20 (the last comparable period prior to COVID) despite the change to hybrid work schedules.
- Ridership will continue to grow as more companies encourage or mandate employees to be in the office more days.

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Wheels2U Westport – User Benefits

- Door-to-train platform service eliminates the walk from remote parking lots to the train platform.
- Provides service to all of Westport; greater geographic coverage than previous fixed route system. Wheels2U shuttles are convenient to all residents, increasing ridership potential.
- Meets every train during peak commuting hours; previous fixed route service did not meet every train due to resource constraints.
- Permits those commuting to work in Westport to easily go to and from the train stations and their business or place of employment wherever in Westport that may be.
- Provides a reasonable alternative to get to work for reverse commuters who may not be able to afford private alternatives.

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Wheels2U Westport—User Benefits

- Given additional funding, the Wheels2U Westport model enables the WTD to easily invest in future enhancements such as:
 - Additional morning and afternoon operating hours.
 - Adding pick-up and drop-off locations in addition to the train stations such as downtown and the Senior Center.
- Step towards possible less costly on-demand door-to-door service for seniors and residents with a disability (vs. current process of arranging ride prior day).

Wheels2U Westport — Town Benefits

- Wheels2U helps improve environment and meet Town goals of Net Zero 2050.
 - Wheels2U is a long-term foundation for “Green” transportation.
 - **Wheels2U will use over 27,300 fewer gallons of fuel (a 45% decrease) and will drive 88,000 fewer miles (a 56% decrease) in FY 23 than in FY 19, the last fiscal year with the fixed route system.**
 - District will be third in the state to go all electric.

Wheels2U Westport — Town Benefits

- Wheels2U helps reduce congestion.
- Wheels2U helps promote diversity, inclusion, and equity.
 - Support and attract new residents to Town who don't have a car or who prefer a public transit alternative (e.g., millennials, young families).
 - Provide access to and from the train stations for lower income residents and workers commuting into Town who can't afford to purchase a car for commuting.
 - Make it easier to find sites for affordable housing.
 - Are a motivating factor for many families in choosing Westport over other Fairfield County towns.

Wheels2U Westport — Town Benefits

- Wheels2U supports Westport businesses and economic development by providing a cost effective link between the train stations, employers and downtown.
- Wheels2U differentiates Westport from other towns, supporting the real estate market and enhancing the “Westport brand.”
- Longer term, Wheels2U reduces the need for additional parking at the train stations, reducing capital and on-going maintenance costs.

Wheels2U Westport—Financial Benefits

- The Town's cost per ride is only \$10.17 for the fiscal year through March 31. Projected cost for FY 24 is \$11.03 per ride.
- Wheels2U's operating model enables resources to be matched with demand to increase efficiency.
 - Number of vehicles employed can be scaled up or down three times / year to match demand and control costs.
 - Vehicles travel only where commuters need to go and only go on demand.
 - Buses no longer continually drive around fixed routes looking for riders.
 - Lowers the miles traveled, fuel consumption, and cost / trip.
 - Makes the service “greener” with a lower carbon footprint.

Wheels2U Westport—Financial Benefits

- Financial benefit for low and moderate income users and those on fixed incomes who can't afford a second "station car" for commuting or alternate private transportation services to get between the train and their homes and employers.

Leverage Wheels2U Westport

- Can help meet new and emerging Town needs for transportation
 - Teens and youth
 - Seniors
 - Underserved populations
 - Increased use by workforce and reverse commuters
 - Discussions with other Town bodies and organizations regarding transportation needs such as:
 - Human Services Department
 - Homes With Hope
 - Team Westport
 - Downtown Merchants Assn.
 - Westport Housing Authority
 - Parks and Recreation Department
 - Gillespie Shelter
 - Other social service organizations
 - Chamber of Commerce
 - Senior/assisted living facilities

Ultimate Goal

Integrate WTD's Wheels2U and door-to-door services into the Town's overall strategy for traffic, parking, bicycles, and pedestrians to help meet the Town's transportation goals and needs.

Why Wheels2U's Funding Should be Restored

Wheels2U's funding should be restored for all the user benefits, Town benefits, and financial benefits it provides.

Why Wheels2U's Funding Should be Restored

- Wheels2U's services are desired and appreciated by Westporters
 - As part of last year's FY23 budget process, the RTM received emails from over 200 Westport residents and organizations urging restoration of the funding and not one opposing it. These organizations and individuals included:
 - Commission on People with Disabilities
 - Save Westport Now
 - Homes With Hope
 - Individual commuters and non-commuters
 - New Residents
 - Sustainable Westport
 - Coalition for Westport
 - Team Westport
 - Realtors
 - Long-time residents
- In March 2023 alone, Wheels2U provided nearly 2,800 rides to and from Westport's two train stations.

Why Wheels2U's Funding Should be Restored

- Wheels2U offers great service to its riders; it's consistently rated 4.8 out of 5 stars.
- Two Town-wide surveys found overwhelming support for the shuttle service from both commuters and non-commuters.
- Every time the Westport Transit District (WTD) came to the RTM to restore budget cuts (May of 2013, 2015, 2019, 2021, and 2022) the RTM voted overwhelmingly to restore all funds cut by the Board of Finance.

Why Wheels2U 's Funding Should be Restored

WTD Services are a Public Service and a Westport Asset

- The WTD should be treated as a public service, not as a business. Public transit is heavily subsidized in almost all cases.
- The 2017 Town Plan of Conservation and Development said:

“Westport should strive to preserve the service provided by the [WTD] for those who need it, those who use it because of the convenience it provides, and *for those who like to know the service is available for the situations where they may need it.*” (*italics added*).
- The Downtown Master Plan and other recent studies also support more public transportation in Westport.

Westport Transit District Budget Request

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Proposed FY 24 Westport Assistance to the WTD

	<u>FY 23 RTM Approved Budget</u>	<u>FY 24 Proposed Budget</u>	<u>Change \$</u>	<u>Change %</u>
Wheels2U	\$266,100	\$291,231	\$25,131	9.4%
Total Elderly and People With Disabilities	\$77,100	\$114,157	\$37,057	48.1%
Total	\$343,200	\$405,388	\$62,188	18.1%

Explanation of Increases

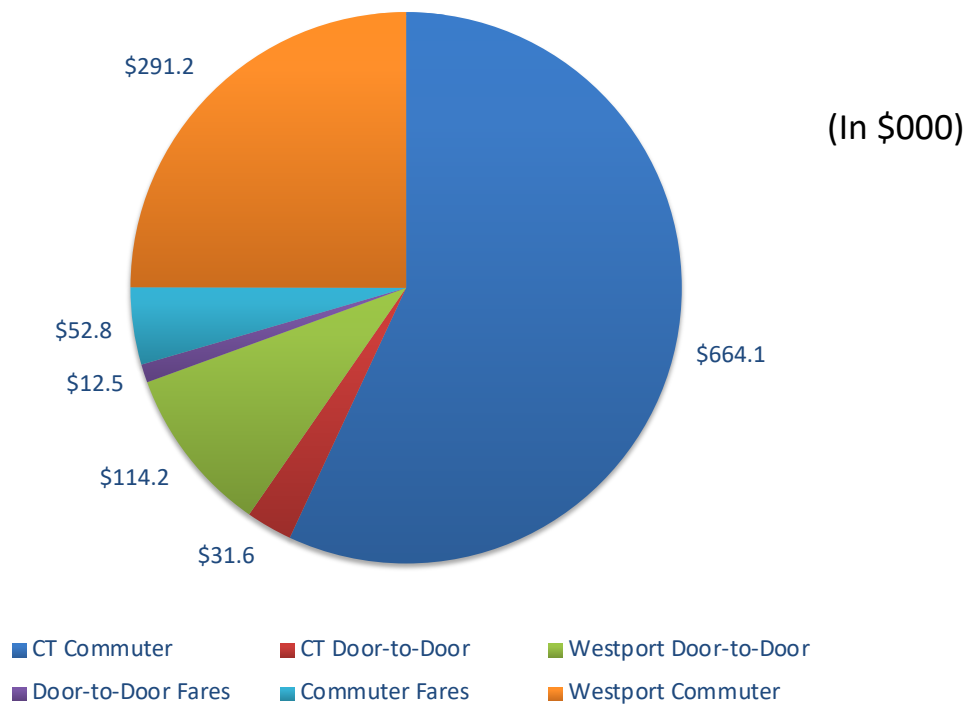
- Number of rides for Wheels2U commuter shuttle projected to increase to at least 26,400 rides in FY 24 from FY23 budget assumption of 21,000 rides.
- Projected number of rides for services for the elderly and people with a disability increased to 2,328 rides in FY 24 based on annualized actual rides from July 1, 2022 through December 31, 2022, compared to FY budget of 1,958 rides.
- Increase in operating costs (fuel, payroll, benefits, etc.) due to inflation.

Wheels2U Cost Savings

- Cost inflation partially offset by significant projected decrease in bus miles traveled and gallons of fuel used due to change to Wheels2U operating model.
- Data analysis enabled \$126,480 in Wheels2U cost savings by reducing the number of buses in use during non-peak times while changing bus positioning to help avoid increases in estimated arrival times. Can change bus schedules three times per year.
- State funding will increase by \$35,069 in FY 24 versus FY 23.

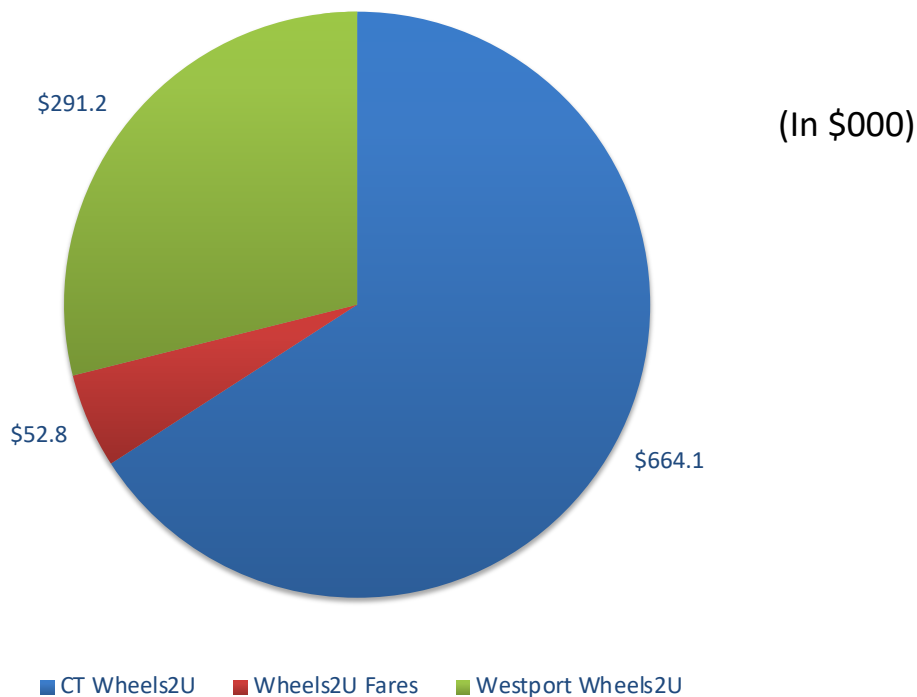
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FY24 WTD Budget Funding by Service and Source



CT funding is \$664,109 (65.9%) of the commuter shuttle budget and \$31,600 (27.7%) of the door-to-door service budget.

FY23 Wheels2U Budget Funding by Source



CT funding (\$664,109) is 65.9% of the Wheels2U shuttle budget. The Westport Transit District's restoration request (\$291,231) is only 12/100th of 1% (0.12%) of the \$233,152,942 total Board of Finance approved Town and Education budgets.

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RECURRING CONCERNS

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“Green” Issues

- Conversion of old fixed route system to Wheels2U permits resources to be more closely matched with demand, increasing efficiency.
 - Vehicles travel only where commuters need to go and only go on demand.
 - Buses no longer continually drive around fixed route looking for passengers.
 - Lowers the miles traveled, fuel consumption, and cost / trip
 - Makes the service “greener” with a lower carbon footprint.
 - Electric buses. NTD breaking ground on facilities to serve electric buses. NTD is third in line in state (after Hartford and Waterbury) for full electric bus service.
 - Ending existing WTD commuter services significantly increases difficulty of the Town adding electric bus service in the future.

“Green” Issues

- Need to coordinate all actions to meet Town goal of Net Zero by 2050.
- One aspect is to change car culture to help reduce carbon emissions, ease pollution.
- Yet Town actions undermine transit use, e.g.,
 - Created additional parking spots at train stations
 - Charge below market fees for train station parking

Subsidies for “Hedge Fund Millionaires”

- Town subsidizes railroad parking by charging below market rates for permits and daily parking.
- Railroad parking fees are currently lowest (except for Southport) on New Haven main line between Fairfield and Greenwich.
- Town subsidizes Tesla and other electric car owners by maintaining 13 public charging stations at the Greens Farms and Westport train stations, 2 at the library, and 2 more at Town Hall while not charging users for the electricity.
- Median Westport household income is \$236,892 and per capita income is \$122,799, both far below “hedge fund millionaire” level. Source: US Census Quick Facts at <https://www.census.gov/quickfacts/westporttownfairfieldcountyconnecticut>

Recent Developments

- Possible regionalization and/or merger of the Westport Transit District with Norwalk or Greater Bridgeport Transit Districts.
 - Pros and cons of various approaches to Westport need to be evaluated and weighed.
 - Westport benefits significantly from its current relationship with the Norwalk Transit District.
 - Leveraging NTD's microtransit experience and paratransit experience
 - NTD management and employees provide significant attention and resources to Westport.
 - Local Westport involvement and oversight is critical to meeting Westport's transit needs.
- Upcoming NTD Comprehensive Operations Analysis study will include Westport
 - Opportunity for Westport residents and stakeholders to provide input.
 - Consultants will look at Westport transit needs and opportunities and make recommendations.

Appendix

Cost Per Ride FY22 to 3/31/23

Service	# of Rides	# of Unique Riders	Cost/Ride
Wheels2U	20,488	1,147	\$10.17
Town to Town for People With Disability	509	22	70.15
Elderly & People With Disability Within Westport	675	22	41.74

- Westport cost is cost of service to Town through February 28 plus estimated cost for March, after State support and fares
- Wheels2U cost per ride excludes \$1,064 in marketing expenses
- Number of rides and riders for Town to Town and Elderly & Disability services do not include personal care assistants who ride for free.

Westport Transit District —Wheels2U FY 24 Budget Assumptions						
Daily Service Hours	55.25		FY 2023 Daily Service Hours			
Weekly Service Days	5					
Weekly Service Hours	245.25		FY 24 Weekly Service Hours Reduces FY 23 Service Hours by 31 hours per week by reducing buses used on Fridays and during periods of low ridership on Mondays through Thursdays.			
Annual Service Hours	12,508		Annual Service Hours is 51 weeks (after 5 no service holidays).			
Cost Per Hour	80					
Marketing	7,500					
Annual Cost	1,008,140					
Fares	52,800		Assumes 2,200 rides monthly (26,400 rides per year) Fare remains \$2.00 per ride.			
Cost - Net of Fares	955,340					
State Portion - 67% up to dollar cap	664,109		State funding is least of (a) 67% of annual cost,(b) 100% of annual cost net of fares, or (c) dollar cap. Dollar cap is 664,109 for FY 24.			
Westport Portion	291,231					

Westport Transit District—Elderly and People with a Disability FY 24 Budget Assumptions

Within Westport for the Elderly and People With a Disability

FY 23 Trips Annualized	1,072.00			
Cost per Ride	68.00			
Total Cost	72,896.00			
Fares Projection	3,752.00		\$3.50 per trip	
Cost - Net of Fares	69,144.00			
Anticipated Muni Grant	31,603.00			
Westport Portion	37,541.00			

Town-to-Town for People With a Disability

FY 23 Trips Annualized	1,256.00			
Cost per Ride	68.00			
Total Cost	85,408.00			
Fares Projection	8,792.00		\$3.50 times 2 per trip	
Cost - Net of Fares	76,616.00			
Westport Portion	76,616.00			

Total Door-to-Door for the Elderly and People With a Disability

114,157.00

DRAFT 4-18-23

RTM Resolutions:

RESOLVED: That upon the recommendation of the First Selectwoman, the Fire Chief and the Fire Marshal, an amendment to Chapter 34 – Fire Prevention and Protection, of the Town Code of Ordinances, adding Article III – Fire Marshal Fee Schedule and Enforcement, is hereby approved.

RESOLVED: That upon the recommendation of the First Selectwoman, the Fire Chief and the Fire Marshal, an amendment to Appendix C of the Town Code of Ordinances, adopting a fee for Fire Marshal review of construction documents in the amount of \$5 per \$1000 of estimated costs, for commercial buildings and residential buildings of three or more dwelling units, is hereby approved.

TOWN OF WESTPORT CODE OF ORDINANCES

CHAPTER 34 – FIRE PREVENTION AND PROTECTION

NEW:

Article III – FIRE MARSHAL FEE SCHEDULE

Sec. 34-31 - Fee schedule for Fire Marshal duties. Pursuant to Connecticut State Regulation 29-291a-7a(g) and other applicable law, the Fire Marshal, with approval of the Representative Town Meeting, shall adopt a fee schedule for certain prescribed duties in accordance with the Connecticut State Fire Prevention Code and the Connecticut State Fire Safety Code, and other applicable law, including without limit fees for construction document reviews, permits, certificates, notices, approvals, or orders.

Sec. 34-32 - Posting of fee schedule. The Fire Marshal shall post the fee schedule in the Office of the Fire Marshal, in public view, and on the Town's website. The fees shall also be set forth in Appendix C of the Town Code of Ordinances.

Sec. 34-33 - Exemption from fee liability. All municipal projects of the Town of Westport are and shall be exempted from liability for permit fees and may be issued permits and certificates of occupancy without charge therefor.

NEW:**TOWN OF WESTPORT CODE OF ORDINANCES****APPENDIX C:**

<i>Chapter 34. Fire Prevention and Protection</i>		
<u>34-31</u>	<u>Fire Marshal Fees:</u>	
	<u>Construction Document Reviews</u>	<u>The fee for the Fire Marshal's review of construction documents shall be based on the estimated cost of the project at the rate of Five Dollars (\$5.00) per One Thousand Dollars (\$1,000.00) or part thereof, said fees being assessed only for commercial buildings and for residential dwellings that include three (3) or more dwelling units.</u>



WESTPORTSM
CONNECTICUT

Jennifer S. Tooker, First Selectwoman

MEMORANDUM

To: Jeff Wieser, Moderator of the Representative Town Meeting
Jeff Dunkerton, Town Clerk

From: Jennifer S. Tooker, First Selectwoman

Cc: Eileen Lavigne Flug, Assistant Town Attorney

Date: April 14, 2023

Re: Request for Agenda Item for May 1 Agenda: Fair Rent Commission Ordinance

Please add the attached Fair Rent Commission Ordinance to your May 1, 2023 agenda. Pursuant to Connecticut General Statutes §§ 7-148b through 7-148f, the ordinance will create a Fair Rent Commission in Westport for the purpose of controlling and limiting excessive rental charges on housing accommodations.

Section 7-148b(b) requires that every municipality in Connecticut with a population of 25,000 or more shall, through its legislative body, adopt an ordinance that creates a fair rent commission, by July 1, 2023.

Thank you.

RECEIVED FOR RECORD
WESTPORT TOWN CLERK
2023 APR 18 A 10:44

Town Hall • 110 Myrtle Avenue • Westport, CT 06880 • (203) 341-1111 • Fax (203) 341-1038
Email: selectwoman@westportct.gov • Website: www.westportct.gov

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town. The members and alternates shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission's powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. 21-80a and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;
- b. Make such studies and investigations regarding rental housing within the Town as are

appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;

- c. Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) Determination of Excessive Rent

(1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;

- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- l. The amount and frequency of increases in rental charges; and
- m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) Procedures and Hearing on Complaints

(1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the Commission proceeding.

(2) If a complaint alleges housing conditions that violate a housing, health, building or other

code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.

(3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.

(5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.

(6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. Until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased

rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

(f) *Retaliation*

(1) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:

- a. Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
- b. Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the Commission;
- c. Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).

(2) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.

(3) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of this chapter or C.G.S. § 47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

- (1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.
- (2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town. The members and alternates shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.
- (3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

- (1) The Commission's powers shall include the power to:
 - a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. 21-80a and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;
 - b. Make such studies and investigations regarding rental housing within the Town as are

appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;

- c. Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

(1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;

- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- l. The amount and frequency of increases in rental charges; and
- m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) Procedures and Hearing on Complaints

(1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the Commission proceeding.

(2) If a complaint alleges housing conditions that violate a housing, health, building or other

code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.

(3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.

(5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.

(6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) Rent Reduction Order and Repairs

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. Until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased

rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

(f) *Retaliation*

(1) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:

- a. Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
- b. Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the Commission;
- c. Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).

(2) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.

(3) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of this chapter or C.G.S. § 47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.



Jennifer S. Tooker, First Selectwoman

TO: Jeff Wieser, RTM Moderator
Jeff Dunkerton, Town Clerk

FROM: Jennifer S. Tooker, First Selectwoman

DATE: April 26, 2023

RE: RTM Donation Approval

At its public hearing of April 26, 2023, the Board of Selectwomen approved the acceptance of a donation to the Town in the amount of \$50,000 for construction of a bus shelter at 199 Post Road West, and further, to forward such recommendation to the Moderator of the RTM for placement on the next RTM Agenda.

Therefore, in accordance with the Policy for Gifts to the Town, 2. C. - Monetary Donations, More than \$20,000, and at the request of the Director of Public Works, I hereby request that the acceptance of the donation be placed on the upcoming RTM agenda for its consideration. Attached are documents related to the request. On behalf of the Board of Selectwomen, I recommend its acceptance.

Thank you.

Attachments

cc: G. Conrad
P. Ratkiewicz
E. Flug
T. Plachi

Town Hall • 110 Myrtle Avenue • Westport, CT 06880 • (203) 341-1111 • Fax (203) 341-1038
Email: selectwoman@westportct.gov • Website: www.westportct.gov



DEPARTMENT OF PUBLIC WORKS

TOWN HALL, 110 MYRTLE AVE.
WESTPORT, CONNECTICUT 06880
(203) 341 1120

April 25, 2023

Ms. Jennifer S. Tooker
First Selectwoman
Town Hall
Westport, CT 06880

RE: Acceptance of a \$50,000 donation to the Town of Westport for construction of a Bus Shelter at 199 Post Road West

Dear Ms. Tooker,

Last year this office received an offer of a donation to construct a bus shelter in front of 199 Post Road West, from the Owner of 191 Post Road as part of a text amendment negotiation for a co-working space office complex, involving reduced parking requirements.

The condition of the approved text amendment was that the donor would provide the donation to the Town within 30 days of the Town's request to access the funds. We are at the point where we are poised to construct the bus shelter and have requested the funds. The donor is ready to provide a check.

Under the terms of the Town's gift policy the Board of Selectwomen will have to accept the donation and since it is over \$20,000.00 the RTM also needs to approve it.

The bus shelter project seeks to construct four bus shelters along the Post Road. As you may recall we requested an appropriation of \$150,000 out of ARPA funds in 2022 for the project. This donation is specific to one of those shelters located at 199 Post Road West.

It is my recommendation that the Board of Selectwomen accept this donation.

Peter A. Ratkiewich, P.E.
Westport Public Works Director
Donation199PRW.docx

TOWN OF WESTPORT

POLICY FOR GIFTS TO TOWN

(Approved 7/15/98; Amended 10/28/98; Revised 11/12/14)

1. Purpose.
2. Monetary donations.
3. Nonmonetary gifts.
4. Criteria for acceptance of gifts; tax considerations.
5. Naming/Dedication as a condition.
6. Administrative procedures.

1. Purpose.

The purpose of this Policy is to establish uniform procedures to govern the donation to and receipt by the Town of gifts of money or of value from citizens, foundations, business concerns and others, both for specific purposes and for general use by the Town.

2. Monetary donations.

A. \$1 to \$5,000.

The First Selectman is hereby authorized to accept, on behalf of the Town, monetary donations of up to and including five thousand dollars (\$5,000) without Board of Selectmen approval. All such gifts accepted by the First Selectman shall be reported to the Board of Selectmen on an annual basis.

B. \$5,001 to \$20,000.

A donation in excess of five thousand dollars (\$5,000) up to and including twenty thousand dollars (\$20,000) shall not be accepted by the Town unless it has received the prior approval of the Board of Selectmen. The Board of Selectmen shall report all such contributions received to the Representative Town Meeting (RTM) members on an annual basis.

C. More than \$20,000.

A donation in excess of twenty thousand dollars (\$20,000) shall not be accepted by the Town unless it has been recommended for approval by the Board of Selectmen and has received the approval of the RTM. All such donations shall first be submitted to the Board of Selectmen which shall forward its recommendation to the Moderator of the RTM to be placed on the agenda for the next available meeting.

D. Special Account

The Controller shall establish a special account for the deposit of donations which the donor has designated for use for specific purposes. After a period not to exceed two years and/or the completion of the specific purpose for which the funds have been donated, excess funds shall be deposited in the general fund unless the town has accepted the gift under different conditions.

3. Nonmonetary gifts.

- A. The First Selectman is hereby authorized to accept, on behalf of the Town, non-monetary donations of up to and including five thousand dollars (\$5,000) without Board of Selectmen approval.
- B. A nonmonetary gift to the Town with a value in excess of \$5,000 shall not be accepted without the prior approval of the Board of Selectmen.
- C. A nonmonetary gift to the Town of real estate or of a structure which is intended to be permanently placed on Town property shall be accepted only upon the prior approval of the RTM. In addition, prior to the acceptance of such a gift, a positive report by the Planning & Zoning Commission pursuant to CGS §8-24 must be obtained as well as the approval from any other Town Board or Commission.

All such donations shall be submitted to the Board of Selectmen, which shall forward its recommendation to the Moderator of the RTM to be placed on the agenda for the next available meeting.

- D. All gifts to the Town which are works of art shall be referred to the Arts Advisory Committee which shall forward its written recommendation as to acceptance and placement of the work of art to the Board of Selectmen.

4. Criteria for acceptance of gifts; tax considerations.

- A. In considering whether to approve acceptance of a gift, the following criteria shall be considered:
 - (1) Whether the gift is appropriate for a public building, facility, or parcel of land.
 - (2) Whether the gift is being offered by a donor who is acceptable to the reviewing entity.
 - (3) Whether the gift will benefit the Town and the community.
 - (4) Whether there is space in a public facility to accommodate it.

- (5) Whether there are, construction, maintenance or repair costs involved and, if so, how they will be funded.
 - (6) Whether there are insurance costs associated with receiving and maintaining the gift and, if so, how they will be funded.
 - (7) Whether the gift will begin a program or service which the Town would be unwilling to take over when the gift or grant funds are exhausted.
 - (8) Whether receipt of the gift may conflict in any way with the Town's purchasing or gift policies.
 - (9) Whether any conditions attached to the gift conflict with or in any way commit the Town to a course of action which conflicts with Town policies, practices, ordinances, standards, or state or federal laws or regulations.
- B. The Board of Selectmen reserves the right to specify the manner in which gifts are made, to define the type of gift which it considers appropriate, and to reject those which it deems inappropriate or unsuitable.
- C. The Board of Selectmen shall be empowered to remove, dispose of, or modify those gifts that become unwanted or obsolete as conditions warrant. If acceptance of the gift required approval by the RTM, any such removal, disposal or modification will be subject to final approval by the RTM.
- D. The Town will not evaluate gifts for tax purposes. The First Selectman, upon request by a donor, shall acknowledge the receipt of a gift for purposes of enabling the donor to receive a tax deduction.

5. Naming/Dedication as a condition attached to a gift.

- A. All gifts which have the condition that the giving of the gift is contingent upon naming it or other Town property shall be referred to the Board of Selectmen which shall forward its recommendations to the Moderator of the RTM to be placed on its agenda for the next available meeting.
- B. In considering whether to approve naming a property, the reviewing entity shall make a finding that, in light of all the circumstances, it is in the best interests of the town to honor the condition of naming.
- C. The Board of Selectmen shall determine the method and time period for recognizing all gifts dedicated to the memory of an individual. Such recognition may be in the form a plaque placed at an appropriate location for an appropriate period of time or in some other form as determined by the Board of Selectmen.

- D. All gifts that have the condition that the giving of the gift is contingent upon naming it or other Town property, or the gift is to be dedicated to the memory of an individual, shall also be subject to the approval of any other appropriate Town board or commission.

6. Administrative procedures.

- A. Before a donor offers a gift to the Town, the donor shall submit a letter designating the purpose and conditions, if any, of the gift and relinquishing any future claim to the gift. Individuals desiring anonymity shall so state in the letter. Such letter shall be submitted to the First Selectman, or designee, who shall thereupon secure any additional information pertinent to the decision whether to accept the gift and forward the letter and such information, including a recommendation, to the Board of Selectman.
- B. Potential donors to a program, department or the Town offices shall be advised by the First Selectman, or designee, that, in determining whether to accept a gift, the Board of Selectmen will base its determination upon whether the gift is in the best interests of the Town and the community at large.
- C. Individuals desiring anonymity shall so state in the document, in which event the Town will undertake to preserve their anonymity.
- D. The Board of Selectmen is empowered, on behalf of the Town and without action by the RTM, to devote, apply, expend or utilize such gifts to such purposes and with such restrictions, if any, as may have been established by the donor; and to take all necessary and appropriate action to accomplish the purposes set forth by the donor. If no special purposes have been set forth, funds shall be deposited in the general fund.
- E. Any gifts to the Board of Education which directly impact on Town-owned property shall be reviewed in accordance with this policy and its administrative procedures.